

**REMARKS**

***Amendment summary***

Claim 1 is amended to recite an organic polymer. Support for this amendment may be found at least, e.g., on page 12, lines 13-22 of the present specification.

Claim 10 is amended for grammatical purposes.

No new matter is added by this Amendment, and Applicants respectfully request entry of the Amendment.

***Response to rejections based on Tsukuda***

Claims 1-2, 6-8, 10, and 12 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Tsukuda et al. (U.S. Patent No. 6,511,774) (hereinafter “Tsukuda”). In addition, Claims 5, 11, and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tsukuda. Applicants respectfully traverse on the grounds that Tsukuda does not disclose or suggest the presently recited organic fluorine-containing polymer.

The present claims recite a separator for a non-aqueous electrolyte secondary battery, where the separator comprises a shut-down layer, a heat-resistant microporous layer, and a spacer having a form of particles, fibers, net or porous film on the surface of the heat-resistant microporous layer. The heat-resistant microporous layer comprises at least one heat-resistant resin selected from resins having a temperature of deflection under load of 18.6 kg/cm<sup>2</sup> of 100°C or more, and the spacer comprises an organic fluorine-containing polymer.

As mentioned above, Tsukuda does not disclose or suggest an organic fluorine-containing polymer. Thus, Applicants respectfully submit that Tsukuda does not disclose or suggest the

presently claimed invention, and respectfully request the reconsideration and withdrawal of these rejections.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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